

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD ARRINGTON,)
Plaintiff,)
v.) 2:21cv1020
Electronic Filing
BILL SHOUPPE, Warden and ETHEL)
WHITE Deputy Warden,)
Defendants.)

ORDER OF COURT

AND NOW, this 22nd day of September, 2022, upon due consideration of defendants' motion to dismiss and [70] the Report and Recommendation of the Magistrate Judge addressing the same, and after *de novo* review of the record, IT IS ORDERED that [48] defendants' motion be, and the same hereby is, granted in part and denied in part. Plaintiff's claims regarding medical privacy, access to medical care, and the number of corrections officers and his personal safety are dismissed with prejudice. Plaintiff's claims related to his false arrest and imprisonment are dismissed without prejudice to their reinstatement in the event that plaintiff's conviction is vacated, overturned on appeal or is otherwise resolved in plaintiff's favor. Plaintiff's claims regarding COVID-19 conditions, access to computers to the extent Plaintiff was seeking to access the courts, and the rash from the shower are dismissed without prejudice; in this regard Plaintiff may file a Third Amended Complaint seeking to cure the deficiencies as to these claims in accordance with Magistrate Judge's directives and date for doing so. In all other aspects the motion is denied. The Report and Recommendation of July 13, 2022, is adopted as the opinion of the court; and

IT FURTHER IS ORDERED that upon due consideration of pro se plaintiff's motion for extension of time to file a supplemental submission challenging the false imprisonment, [75] the

motion be, and the same hereby is, denied without prejudice to file subsequent submissions in support of such a claim in the event plaintiff's conviction is vacated, overturned on appeal or is otherwise resolved in plaintiff's favor and the claim of false imprisonment is thereafter reinstated or otherwise renewed.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: The Honorable Cynthia Reed Eddy,
United States Magistrate Judge

Marie N. Pipak, Esquire
Marie Milie Jones, Esquire
Michael R. Lettrich, Esquire

(Via CM/ECF Electronic Mail)

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(Sent Via First Class Mail)